

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12919, of the National Wildlife Federation, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.41 to continue the use of a parking lot for five years in an SP-2 District at the premises 1607-1613 "O" Street, N.W., (Square 181, Lot 853

HEARING DATE: April 18, 1979

DECISION DATE: May 2, 1979

FINDINGS OF FACT:

1. The subject property is located on the north side of "O" Street, between 16th and 17th Streets, N.W., in an SP-2 District. It is known as 1607-1613 O Street, N.W.
2. The subject lot is approximately 7334 square feet in area and has spaces marked for approximately thirty-six vehicles.
3. To the north of the subject property directly across the alley is an office building housing the American Trucking Association. Abutting the subject lot on the west is a garage. To the east is the National Wildlife Federation and its accessory parking lot of about twelve spaces which is operated in conjunction with the subject lot. South of the subject lot, across O Street is the First Baptist Church and its parking lot of eighty four spaces which is operated in conjunction with the subject lot.
4. There is a public alley twenty feet wide to the north of the lot and another alley fifteen feet wide to the east of the subject lot. The alleys open on to 17th Street and O Street respectively.
5. The subject parking lot has been in existence for approximately twenty years. Its last continuance was approved pursuant to Board Order No. 12555 dated March 3, 1978, for a period of one year.

6. The parking lot is used to accommodate overflow parking from the accessory lot used by the applicant's employees and from the overflow of commuter parking from the First Baptist Church lot. On Sunday and on Wednesday nights, the lot is used by the Church. It is further used by people who visit the Vietnamese restaurant that is located at the Christian Inn. The lot is also used for short term parking by visitors to the National Wildlife Federation and by patrons of the retail sales outlet of the Wildlife Federation which is within the building occupied by the applicant.

7. The parking lot owned by the Baptist Church has the majority of its spaces devoted to commuter parking. It and the subject lot are operated by PMI with one attendant. The attendant's shelter is on the Baptist Church lot.

8. The applicant is requesting a special exception to continue the use of the parking lot for five years.

9. Future plans for the subject lot are contingent on the development of other land owned by the applicant in Square 181 and on the outcome of the aforementioned American Trucking Association's application for development in the same area. If the application of the American Trucking Association is granted, the subject lot would be isolated by a parking garage on the west that is owned by the American Trucking Association.

10. The applicant has complied with all the conditions of the Board's previous Order.

11. There is no information in the record to suggest that any dangerous or objectionable traffic conditions have resulted or will result from the operation of this lot.

12. Advisory Neighborhood Commission 2B testified that at its meeting of April 11, 1979, there was a unanimous vote in opposition to this application on the grounds that a parking lot is an interim use and plans for development should have been formulated over the twenty year period of its existence. No plans have been submitted although the applicant has in several prior applications before the Board testified that such plans were in the making. ANC 2B was also opposed on the grounds that the applicant intends to use the property for commercial off-street parking to help defray the expenses of an unimproved lot and that the lot will be used for commuter parking. The ANC was further opposed on the grounds that the lot is in a prime area for residential development. The Board is required by statute to give great weight to the issues

and concerns of the ANC. The Board appreciates the grounds for the ANC's opposition. However, with the conditions hereinafter imposed, the Board finds that by its denial of use of the lot for commuter parking and by approval for a very limited time, the applicant will move to eliminate the concerns of the ANC.

13. The Dupont Circle Citizens Association, opposed the application on the grounds that the large number of parking lots in the subject Square 181 is adversely affecting the neighborhood and that the subject unimproved lot does not contribute toward the present character and future development of the neighborhood but detracts from it. The Board finds that it has addressed the concerns of the DCCA in Findings of Fact No. 12.

14. There was one letter in support of the application. It's grounds for support were not stated.

CONCLUSIONS OF LAW:

The applicant is requesting a Special Exception under Paragraph 4101.41. This Paragraph of the Zoning Regulations effective October 5, 1978, provides, among other items, that a parking lot in existence on October 5, 1978, may be permitted by the Board to continue in existence for a period not to exceed four years from the date that the present Certificate of Occupancy expires provided the lot does not provide all-day commuter parking. The Board notes that this is the last time that the applicant may be permitted to request a continuance of the parking lot. The Board has given great weight to the issues and concerns of the ANC as is required by statute. The Board concludes that by imposing conditions on this Order as to a final two year approval of the application and a proviso that under no circumstances will there be commuter parking allowed on the subject lot that the application can be granted as in compliance with Paragraph 4101.41 of the Zoning Regulations. It's use and design are not likely to become objectionable conditions, the future character and development of the neighborhood will not be affected adversely by the limited terms of use and the subject lot serves either residential uses or provides short term parking for retail service and public facility uses. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

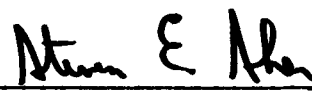
- a. The parking facility shall serve either residential uses or provide short-term parking for retail, service and public facility uses, but shall not provide all-day commuter parking.

- b. Approval shall be for a period of two years from the date of expiration of the previous Certificate of Occupancy.
- c. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- d. An eight inch coping shall be erected and maintained along each side of all driveway to protect the public space.
- e. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- f. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- g. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- h. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.
- i. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 3-1 (Chloethiel Woodard Smith, Leonard L. McCants and William F. McIntosh to grant; Walter B. Lewis to deny by proxy; Charles R. Norris not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 23 JUL 1979

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLES WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.